

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

UNITED STATES OF AMERICA, ) CR. NO. 4:22-CR-580  
) FLORENCE, SC  
) SEPTEMBER 14, 2022  
)  
VERSUS )  
)  
BHAGAVAN MAHAMAYAVI ANTLE, )  
A/K/A KEVIN ANTLE )  
A/K/A DOC ANTLE, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )

BEFORE THE HONORABLE THOMAS E. ROGERS, III  
UNITED STATES MAGISTRATE COURT JUDGE  
BOND MODIFICATION HEARING

APPEARANCES:

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1 APPEARANCES CONTINUED:

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6 STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

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1 (Whereupon, the hearing commenced at 10:59 a.m.)

2 COURT OFFICER: All rise.

3 THE COURT: Yes, sir, Mr. Shoemake.

4 MR. SHOEMAKE: Yes, Your Honor. We are here on  
5 4:22-580, United States versus Antle.

6 Your Honor, we are here for a Bond Modification  
7 Motion that the Government filed, I think, a couple of  
8 weeks ago, and it relates to the prior bond you set in  
9 this case. And, obviously, it is my motion, so I am  
10 prepared to go forward whenever the Court is ready.

11 THE COURT: Okay. Are you ready to go forward?

12 MR. MOORMAN: We are, Your Honor.

13 THE COURT: Okay. All right. I see Mr. Antle  
14 is here in the courtroom with us, as well as his  
15 lawyers.

16 MR. BEASLEY: Yes, Your Honor.

17 MR. SHOEMAKE: Yes, Your Honor, I will be brief.

18 I laid this out in the motion. There is really  
19 not a whole lot of dispute about what is happening, the  
20 question is what to do about it. As I attached the  
21 letter to the Court but, Your Honor, we were recently  
22 informed by the USDA that Mr. Antle is attempting to  
23 sell the Myrtle Beach Safari Park, which based on the  
24 -- the way the USDA licensing work, would inherently  
25 mean selling the animals of that park, as well as the

1 park itself to Sugriva LLC. This is an LLC that was  
2 created while Mr. Antle was in custody by a person with  
3 ties to Mr. Antle that lives on the compound there,  
4 Ms. York. As the letter makes clear, Ms. York would  
5 be effectively the full owner and this would completely  
6 divest Mr. Antle of ownership interest. In fact,  
7 according to at least Ms. York's lawyers, there is even  
8 a question of whether or not Mr. Antle would even be  
9 employed at that point by the Safari Park.

10 So, Your Honor, I know the defense has filed a  
11 response. I would just like to address a couple of  
12 things and then sort of dovetail into the reason why we  
13 think the bond should be modified.

14 Your Honor, I don't want to get too deep into  
15 the facts that were laid out by the defense, other than  
16 to say we fundamentally disagree with the  
17 characterization of most of them. This is not a  
18 strawman argument. The fact is, we have an  
19 outstanding subpoena to the USDA now, we are collecting  
20 those records now to turnover to the defense. I asked  
21 USDA to get us those documents, so the USDA has an  
22 obligation to let us know documents in possession that  
23 are relevant. They flagged this for us. It was  
24 entirely our decision to make this motion.

25 The only other thing I will say is there is

1 reference to the FBI lying to a financial institution,  
2 that did not occur, that is beyond the scope of this  
3 hearing, and I can address that with the lawyers later,  
4 but that is entirely not accurate.

5 So, Your Honor, what we have here is a  
6 defendant that is charged with money laundering. And  
7 specifically, the money laundering charges, as noted in  
8 the indictment and as evidence presented before Your  
9 Honor during the revocation hearing in this case or the  
10 bond detention hearing in this case, that money  
11 laundering was done using both Safari accounts,  
12 accounts tied to the Myrtle Beach Safari and also using  
13 property of the Myrtle Beach Safari. It was, you  
14 know, done there on the property.

15 Your Honor, he has now since been charged,  
16 since we were last before you on these issues, he has  
17 since been charged with several Lacey Act violations  
18 that involved the trafficking of endangered species to  
19 that park. Specifically, there is at least one  
20 chimpanzee and cheetahs that we have every reason to  
21 believe are still at the Park that are involved in that  
22 case. So, Your Honor, when we found out, not through  
23 defense, but through the USDA that the sale was taking  
24 place, we felt incumbent to step in.

25 Your Honor, I think two other factual sort of

1 clarifications or illustrations before I go into sort of  
2 the legal arguments is during the last hearing, we  
3 specifically requested a condition of bond that  
4 Mr. Antle not be allowed to move animals. Your Honor  
5 made the point that at this point he had not been  
6 charged with any wildlife trafficking, this is an issue  
7 we can revisit, should that become an issue, so that  
8 is why we have come back because it in fact has become  
9 an issue. And, again, as far as we can tell by the time  
10 line at that point at least the initial machinations  
11 have been put in place to transfer the Myrtle Beach  
12 Safari Park and the animals over to Ms. York and her  
13 LLC.

14 Secondly, we have, as noted in the Defendant's  
15 footnote, given that this is a business that does have  
16 some legitimacy, we do not accept the position that it  
17 is an entirely legitimate business, but certainly there  
18 are people who clean pools and things like that that are  
19 not involved in illegal activities, for those reasons,  
20 the defense came to us asking if we could effectively do  
21 a property swap. Allow us to put a *lis pendens* on one  
22 of the properties there in the area and in exchange of  
23 that release some of the seed spots. We agreed to do  
24 that. At no point in this discussion, to be fair we  
25 did not ask, but at no point in this discussion were we

1       made aware of any attempt to sell the Safari Park. I  
2       think that would have changed our position had we known  
3       that.

4               Your Honor, with that in mind, we are here  
5       today because the Government seeks that you not allow  
6       Mr. Antle to transfer ownership of the Safari Park and  
7       the animals therein. And we do that for three primary  
8       reasons, Your Honor: First, this Court routinely  
9       enters bond conditions to protect evidence, and the  
10      reason they do that is because it is a violation to  
11      destroy evidence, it is a violation of law to obstruct  
12      justice. And so there is -- it is clear in the statute  
13      that bonds can be set, and one of the conditions can be  
14      not to engage in further legal violation. Destruction  
15      or obstruction of justice and destruction of evidence  
16      are both reasons that the Court could issue a bond. In  
17      this case, Your Honor, we are not dealing, I think it  
18      is very important to make this distinction, we are not  
19      dealing with substitute assets. The law in the Fourth  
20      Circuit is clear, and I have a number of cases I could  
21      cite, that any instrumentality used to facilitate money  
22      laundering is subject to seizure as part of the criminal  
23      conduct. Not as some substitute asset. We have  
24      copious evidence that the Myrtle Beach Safari Park  
25      itself, its grounds, and more importantly its bank

1 accounts were used to facilitate money laundering. We  
2 also now have evidence that the park now currently  
3 houses animals that were illegally trafficked. The  
4 Lacey Act seizure would allow the Government to seize  
5 the park and those animals. So, Your Honor, we have  
6 a legitimate right to seize all of those things, and in  
7 fact in the interest of sort of discretion, we have  
8 not, at this point, asked to seize the animals or that  
9 property primarily because we thought it was  
10 unnecessary, we didn't expect -- we were hopeful this  
11 would not happen, an attempt to transfer ownership.

12 So again, Your Honor, we think to protect the  
13 evidence, I understand the Defendant makes the point  
14 here that the Government may have some ability to set  
15 aside the transfer to still reach to the assets, but  
16 nonetheless, adding that extra layer creates an entire  
17 other legal obstacle to get to the property. We think  
18 that is the actual fundamental drive as to why this  
19 happened. We believe that is why the LLC was set up  
20 while Mr. Antle was on bond, and we believe that is why  
21 it is being transferred now to keep the Government one  
22 farther step away from being able to seize these animals  
23 or that property. So that is one reason, Your Honor.

24 The second reason, as the defense also notes, is  
25 dealing with the flight risk. It is still our concern,



1 as the Virginia trial approaches in October, that  
2 Mr. Antle is a flight risk. One of the large reasons  
3 made as to why he was not a flight risk before Your  
4 Honor was this is a businessman who owns a large,  
5 growing concern in Myrtle Beach. If he is able to  
6 divest himself of this with according to at least  
7 Ms. York's attorney having not even maybe even being an  
8 employee, his ties to the community, and this community  
9 specifically, effectively vanish. I am sure his lawyer  
10 will say he plans to be involved, but the reality is,  
11 the black and white letter from Ms. York says, we  
12 understand he is under indictment, he will have no role  
13 in the management of this thing, and he will probably  
14 not even be an employee or may not even be an employee.  
15 We think, Your Honor, very much so a restriction on  
16 the transfer is important because without that we think  
17 the Defendant becomes a greater flight risk than he may  
18 already be.

19 Your Honor, I think the last point, and again  
20 there is not much more for us to say, I think the last  
21 point here is that we are hopeful to do this because it  
22 seems to be the cleanest option, it fits pretty  
23 squarely within the ability of the Court to set a bond.  
24 We certainly have the ability to file a civil seizure  
25 order and then seek an injunction from the District

1 Court to prevent this transfer or seek an outright  
2 seizure. We would prefer this method because it keeps  
3 everything in place, prevents the evidence from being  
4 destroyed, and arguably keeps Mr. Antle here while we  
5 continue these proceedings.

6 So, that is why we are before the Court and  
7 would seek in addition that he not be allowed to  
8 transfer the Safari Park and specifically any animal  
9 under the Endangered Species Act. And if we had to be  
10 even more specific, I guess we could say do not  
11 transfer the Safari Park or any chimpanzees or cheetahs  
12 as those are the two specific type of animals listed in  
13 the Indictment. We suspect more may be coming, but as  
14 of right now, we have cheetahs and chimpanzees, we are  
15 not saying every chimpanzee and every cheetah is there  
16 illegally, but in order for us to know which ones he is  
17 transferring, we would have to go and actually evaluate  
18 those animals to make sure it is not the one illegally  
19 trafficked. So, we believe a bond condition, a very  
20 reasonable bond condition would be not to allow the  
21 transfer of the the Safari Park and not to allow the  
22 transfer of animals listed in the in Endangered Species  
23 Act. Or if the Court wants to be more specific, not to  
24 allow the transfer of chimpanzees and cheetahs. Unless  
25 the Court has any questions, that is all the Government

1 has.

2 THE COURT: Okay. Let me hear from the defense.

3 MR. MOORMAN: Your Honor, may it please the  
4 Court, I will respond to some of what he said in just a  
5 second. I want to start with this, and at the risk of  
6 appearing facetious, when he called the case, he called  
7 the case "United States versus Mr. Antle," in our  
8 opinion, this case, as it stands before Your Honor  
9 today is more properly titled, USDA versus Mr. Antle.  
10 We are here solely because of the USDA actions as a  
11 catalyst to try to prevent the proper permitting and  
12 licensing of the Myrtle Beach Safari. By his own  
13 pleadings, the Government acknowledges that we are here  
14 because USDA passed information along relating to  
15 perfectly lawful activity and this is something that,  
16 and Your Honor has been doing it longer than I have,  
17 but I don't recall a time when the Government had moved  
18 the Court to add restrictions to a bond and do not  
19 allege any bond violations of any kind. We are before  
20 Your Honor, and the Government does not allege any  
21 failures on Mr. Antle's part to comply with any  
22 conditions of bond that Your Honor has set. I think  
23 that is very, very important.

24 The other thing that I think is very, very  
25 important is this, or many things, but there are two

1 applications pending before the USDA right now: One is  
2 a renewal for Mr. Antle's license; one is an application  
3 for a new license for Sugriva. Both of these are  
4 pending before the USDA. Mr. Antle for decades has  
5 communicated with the USDA seamlessly to have his permit  
6 renewed, seamlessly, right. This year everything  
7 changes. They try to schedule appointments with USDA  
8 for inspections, USDA cancels those appointments,  
9 right. In speaking with attorneys for Mr. Antle and  
10 Sugriva, who are working through this regulatory piece,  
11 they tell me unequivocally the USDA does not have any  
12 basis to deny either the renewal or the new permit for  
13 Sugriva at this point. No basis whatsoever. So,  
14 what happens after this? The inspection is supposed to  
15 be scheduled for the beginning of the month, they  
16 cancel, and then what happens? We have this case  
17 brought in front of Your Honor in an effort to prevent  
18 these permits from being granted and/or the continuation  
19 of the business, that is the Myrtle Beach Safari. And  
20 this is what I think, Your Honor, is utterly important  
21 here. What is at stake? The Government seeks to get  
22 an order from Your Honor preventing the transfer of  
23 animals on the endangered species list and the transfer  
24 of the business itself. That is what they are asking  
25 for.

1           Now Mr. Shoemake is trying to modify it, but  
2           that is what they are asking.   Think about this.  
3           Right now there are approximately 150 animals on that  
4           property at the Myrtle Beach Safari.   Of those, between  
5           120 and 130 are on the endangered species list.   Those  
6           animals, their lives literally are dependent on the  
7           successful operation of that business, right.   A  
8           business that Mr. Antle has built with his team over  
9           decades.   And which Mr. Antle and his team now run very  
10          successfully.   But think about this, a thousand pounds  
11          of meat a day, 20 plus employees, vet bills,,  
12          infrastructure.   To make all of this go, that business  
13          has got to be successful, right, because that is very  
14          expensive to make all of that go.   So, what the  
15          Government is seeking from Your Honor is for Your Honor  
16          to actively take an interest to control lawful business  
17          decisions that my client is perfectly empowered to make,  
18          to make that business go and support those animals,  
19          right.   And what they are asking for, Your Honor, is  
20          you to have control to prevent the transfer of 120  
21          animals on that property.

22                 So, even, let's say, Mr. Antle believes that it  
23                 is in the animal's best interest and the Safari's best  
24                 interest to bring an animal here, to transfer an animal  
25                 to the property so he can care for it, or transfer one

1 of these animals off the property somewhere else so it  
2 could have maybe a different habitat or something that  
3 would improve that animal's life, the Government wants  
4 Your Honor to say, no. Right.

5 He references the prior interaction we had on  
6 the record about animal conditions, and this is what I  
7 remember specifically, there was a lot we reviewed on  
8 the record, but I remember specifically when the  
9 Government asked Your Honor to require Mr. Antle to  
10 notify the Court if there was a birth of an animal,  
11 a death of an animal, if an animal had to go to the  
12 vet, what Your Honor in court identified very aptly,  
13 and the question Your Honor put to Mr. Shoemake is, so,  
14 if that requirement is imposed and the Court receives  
15 that information, what is the Court to do with that?  
16 Right? And now, again Your Honor expressed some concern  
17 over that liability potentially or that level of  
18 intrusion that that would impose on the Court, now the  
19 Government is seeking to get Your Honor to interfere  
20 with critical business decisions that could negatively  
21 impact the financial well-being of the safari, and in  
22 turn literally endanger the lives of animals on the  
23 Safari.

24 Let me give you just one example how tenuous --  
25 it is a finely-tuned machine built over decades. Let

1 me give you one example of how tenuous this can be.  
2 Mr. Antle got out on bond. After he got out on bond,  
3 there were vendors who did not want to conduct business  
4 with him because of the publicity associated with this  
5 case, right. One of the problems he encountered is  
6 pools on the property were turning green, right, which,  
7 in a vacuum, that doesn't seem like a big deal, right?  
8 There was algae in the pools. When the pools turn  
9 green, can't use the pools. When you can't use the  
10 pools, his son and other members of the team who swim  
11 with tigers in the pools during the tours can't perform  
12 that part of the tour, right. When they can't perform  
13 that part of the tour, that tour become less appealing  
14 to the public, warrants less expenditures on the tour.  
15 Just that little hiccup that was caused by this case in  
16 and of itself posed a risk to the financial well-being  
17 to the Safari, right. And Mr. Shoemake talks about  
18 how, well, we could seize everything, right. We could  
19 seize everything as instrumentalities. So, does  
20 Mr. Shoemake or this Court, I am not being facetious,  
21 does Mr. Shoemake want the Government to be responsible  
22 for the well-being of 120 animals on the endangered  
23 species list that my client has cared for extremely well  
24 for decades? And by the way, there is no allegation in  
25 any of this case about any animal mistreatment, any

1 negligence on the part of Mr. Antle or any of his staff  
2 for the purpose of caring for these animals. These  
3 animals are better cared for there better than anywhere  
4 else. When Mr. Shoemake says, we can go seize it?  
5 Really? Does he really want to do that? I don't think  
6 he does. All right .

7 Other thing I wanted to mention to you, and we  
8 made this very clear in our response, and Your Honor  
9 knows this better than anybody, for the purpose of  
10 setting conditions of bond under 3142, the focus is,  
11 protect the public and assure the appearance of this  
12 Defendant in court, that is the guidepost of 3142. And  
13 those are the anchors that 3142 ties to the mandate that  
14 Your Honor, as you know, must impose, quote, the least  
15 restrictive conditions possible to assure the  
16 Defendant's appearance and protect the public. Now,  
17 Mr. Shoemake has some arguments that are, quite frankly,  
18 very thick, right. When he talks about, I didn't  
19 hear any argument as to protecting the public, and as  
20 we pointed out in our response, there are no victims in  
21 the case, there is no restitution that will be owed as  
22 it stands. Again, upon information and belief we said  
23 this, the Government has already seized money that is  
24 well in excess of any loss amounts that they even argue  
25 to the Court. So, to say that somehow this condition



1 of restricting my client's lawful activities, again,  
2 there is no debate here that what my client seeks to do  
3 is perfectly lawful, there is no argument that that in  
4 any way would protect the public.

5 As it relates to assure his appearance, I mean,  
6 this is Mr. Shoemake, this is utterly conjecture. My  
7 client's family is here. He has got children who live  
8 here, he has grandchildren who live here, he has  
9 property here. He has lived here for almost three  
10 decades. And to say somehow that these business  
11 decisions he is trying to make will all of a sudden will  
12 turn him into a flight risk is just ridiculous. This is  
13 the same type argument if you have incendiary on the  
14 property --

15 THE COURT: Let me ask this, if he transfers  
16 complete ownership of that park, I mean that think  
17 directly is relevant to that issue.

18 MR. MOORMAN: To which issue? Flight risk.

19 THE COURT: Yeah.

20 MR. MOORMAN: And, Your Honor, I don't want to  
21 assume -- I am curious to know, why would you --

22 THE COURT: If he has no interest in that park,  
23 that park, I think we would agree, would be a  
24 significant asset in his name, right?

25 MR. MOORMAN: Well, I mean, the park, the

1 animals, the business that he has developed, but,  
2 again, he -- like we talked about earlier, I mean, I  
3 would disagree with that, Your Honor. To say that,  
4 that ascends that that is the mainstay keeping him here,  
5 that is the critical piece.

6 THE COURT: Well, I can tell you, part of my  
7 decision certainly relied on the fact that he did have a  
8 lot of family here, that he did own a number of assets  
9 here, including that Park, which was a significant  
10 asset in his name.

11 MR. MOORMAN: Right.

12 THE COURT: And so if he divests himself of that

13 --

14 MR. MOORMAN: Your Honor, I would argue that  
15 doesn't change the equation because he still has  
16 multiple pieces of real estate.

17 THE COURT: Well, may be. May be. I mean,  
18 playing a numbers game, this is only, you know, a  
19 certain percentage of the whole pie.

20 MR. MOORMAN: This is the slippery slope.

21 MR. BEASLEY: Your Honor, just as represented by  
22 his assets, the Park only represents 20 percents of all  
23 of his assets.

24 THE COURT: And the Park, you know, the  
25 transfer of the Park, does that include the real estate

1 on which the Park sits?

2 MR. BEASLEY: I think it is just the zoo part.

3 MR. MOORMAN: And so, Your Honor, that is, the  
4 transfer of the MBS would include the property, what is  
5 the MBS. But, again, Your Honor, this is a slippery  
6 slope, all right. When you come back before the Court  
7 on conduct that is perfectly lawful and he is perfectly  
8 in compliance --

9 THE COURT: I know. Let's just assume for the  
10 sake of argument that all assets were in the process of  
11 being transferred, that would be relevant to --

12 MR. MOORMAN: Let me ask you this, Your Honor,  
13 let's say he goes and gets his driver's license renewed,  
14 right. I mean, and I don't mean to -- but, you could  
15 make the argument, you can spin any of these facts in a  
16 way to try to put him in flight risk. If he needs a  
17 driver's license, you can say, well, he wants to  
18 maintain his privilege to drive, if he can drive, he  
19 can leave. That is a slippery slope. That is the  
20 problem.

21 THE COURT: That is a little more tenuous than --

22 MR. MOORMAN: Well, you say that. But, Your  
23 Honor, you know, you talk about things that may have  
24 changed in this transaction, what Your Honor did not  
25 have at the time you set bond originally is a course of

1       conduct and a history of Mr. Antle on bond being utterly  
2       compliant with all of the conditions of bond.

3               THE COURT:     Okay.

4               MR. MOORMAN:   Right?

5               THE COURT:     Yeah.

6               MR. MOORMAN:   So, I think that is also something.  
7       If you are looking at the landscape now versus before,  
8       you have Mr. Antle on electronic monitoring since the  
9       end of June with absolutely no violations, no concerns  
10      of any kind, right.

11              The other thing that I want to talk about, too,  
12      again, is let's say Your Honor wants to get in the  
13      business of controlling business decisions, by way of  
14      limiting of moving of animals and stopping of transfers.  
15      And by the way, I do think this is important.

16              THE COURT:     I think those are two very different  
17      issues.

18              MR. MOORMAN:   But I think -- I think both are  
19      significant. Before I get to those, I do want to  
20      mention, looking at the regulations associated with the  
21      USDA permitting and licensing, okay, under federal  
22      law, under CFR, the business cannot be transferred  
23      unless Sugriva is licensed and does receive a permit,  
24      right. So, I think that is also significant from the  
25      standpoint of before this happens, before Sugriva can

1 take transfer, take ownership and possession of the  
2 Myrtle Beach Safari, the USDA must complete its process  
3 by way of permitting and licensing. So, that is  
4 significant because there is a concern that the animals  
5 will be transferred, that won't be accomplished unless  
6 the USDA is completely satisfied, bottom line, that  
7 the transfer is appropriate.

8 Let's go back to the order itself. If Your  
9 Honor, if Your Honor says, okay, I will grant the  
10 Government's motion, and I am going to prevent -- I am  
11 going to prevent the transfer of both the company and  
12 the 120 animals, endangered species, right, because,  
13 again, the way it is written, we are not just talking  
14 about the animals that are subject to the Counts in the  
15 Indictment, we are talking about all of the endangered  
16 species. And then Mr. Shoemake then says by the way,  
17 what about all the chimps? All right just the chimps.  
18 There are over 20 chimps on the property. So, let's  
19 say Your Honor thinks that it is a good idea for the  
20 Court to weigh in on these lawful business decisions,  
21 how will Your Honor's Order be enforced, right?  
22 Because at some point you got to go out and identify  
23 what is on the Safari, right. And identification is  
24 part of a component in this case. And so as before, we  
25 would instruct Mr. Antle to not speak or interact with

1 law enforcement without purpose, right. So, how, I  
2 mean, is the FBI going to go out there and try to take  
3 DNA swabs of the animals to determine what is there is  
4 down in the Court's order? Is an agent going to go in  
5 the cage of the chimps and get that done? I don't  
6 understand how, even if Your Honor wanted to enforce the  
7 Order, how you could do it as a practical matter.

8 THE COURT: Well, again, I think you have two  
9 different issues, transfer of animals versus transfer  
10 of assets I think is distinguishable.

11 MR. MOORMAN: But, Your Honor, that is why I  
12 would respectfully -- I think it is essential without a  
13 difference because the animals, the animals make the  
14 business go, right. So, if you -- to divorce the  
15 two, quite frankly, I believe underestimates or  
16 understates the importance of the animals and the  
17 ability to transfer the animals as relates to the health  
18 and transfer of the business. If the business is  
19 weighing -- I just don't think the distinction is a  
20 mean, I understand Your Honor's comment there, but I  
21 just don't think it is a mean by extension. I don't  
22 understand how with his ties to the community, with the  
23 history of bond, with his conduct while he has been on  
24 bond, with his family, I don't understand how this sort  
25 of moves the needle by way of his ability to --

1           MR. BEASLEY: Your Honor, most of this transfer  
2 has to do with just the animals, not the real estate,  
3 that is the whole thing. And it has to do with the  
4 USDA and, you know, not the U. S. Attorney's office.

5           MR. MOORMAN: One other thing I would say, Your  
6 Honor.

7           THE COURT: Okay.

8           MR. MOORMAN: Mr. Shoemake made a comment that  
9 this happened while he was in jail, right, that there  
10 is an LLC that was created while he was in jail, as if  
11 there is something nefarious and defense counsel did not  
12 make anybody aware. Let's talk about jail because I do  
13 think this is significant because I think context  
14 matters. You got Mr. Antle, 62, never been in  
15 trouble. Not given any opportunity whatsoever to turn  
16 himself in, not given a summons in a case of this kind,  
17 which is very common. He is arrested at his house.  
18 The Government moves for detention, which Your Honor  
19 widely denies. A guy 62, never been in jail, who  
20 sits for 20 plus days, right. Has a lot to consider,  
21 right. And he tries -- Mr. Shoemake says something  
22 --implies there is something nefarious with this  
23 transfer, quite frankly. That is the implication. Why  
24 is he trying to transfer? There is something nefarious  
25 about it, right? Well, I put myself in his position,

1       and if I were 62, I have been working 16 hours a day  
2       for 30 years, I am sleeping on a concrete floor, I  
3       begin to realize, you know what, I am tired? Right.  
4       Maybe I do want to slow down, right? Maybe I want to  
5       enjoy what I have built. So, this idea that somehow  
6       he wants to divest himself of this property that he has  
7       got this grand plan to take off doesn't make sense,  
8       especially with the family and property he has.

9               MR. SHOEMAKE: Your Honor, if I may, just very  
10       briefly, just a few quick points. It is clear that  
11       defense counsel and the Government are never going to  
12       agree about who Mr. Antle is in terms of his conduct,  
13       but I think it is important to note that recordings that  
14       were discussed before this Court that are mentioned in  
15       filings, two years before this case ever began, we  
16       have Mr. Antle attempting to do a \$200,000 money  
17       laundering operation, which he then later says on  
18       recording was going to be used to buy animals, animals  
19       which we contend were bought illegally, which are now  
20       subject to federal charges, and which we have evidence,  
21       including cooperators to verify, that, yes, in fact,  
22       they were paid \$200,000 to sell animals across state  
23       lines. So, this idea that this is a man who has done  
24       nothing wrong, salt of the earth, he was arrested here  
25       after he had been charged in Virginia for wildlife



1       trafficking and animal cruelty and other charges.    I  
2       take issue with the idea that this is some innocent guy  
3       who was just trying to get by.    An LLC was created by a  
4       person who has admitted to being a bit of a fraudster  
5       and laundering money, and we think it was created to  
6       obstruct justice.    We think it was created to avoid the  
7       Government getting their hands on the evidence in this  
8       case.

9               So, Your Honor, I do think there was an intent  
10       to evade Government regulation here.    And specifically,  
11       Your Honor, with these animals, we have a chimpanzee  
12       that is there right now awaiting an infrastructure, but  
13       was there this whole time that was under a Court Order  
14       that was to be returned, a Federal Court Order saying  
15       this chimp was to be returned, it had safe haven at a  
16       park.    We have another animal subject to -- another  
17       chimpanzee, who is subject to our Indictment, who we  
18       believe is there illegally.    To allow the chimpanzees  
19       and cheetahs to be transferred is equivalent to allowing  
20       contraband to be transferred because at least some of  
21       those animals constitute contraband in the Lacey Act  
22       violations.

23               And in terms of enforceability, Your Honor,  
24       that is our job, it is not your job.    Your job is to  
25       say he is not allowed to do it, it is our job to

1 investigate and discover if he has.

2 So, again, Your Honor, I don't see any issue  
3 with enforceability. And, again, I do think it ties  
4 directly to his ability to move freely about when he is  
5 not encumbered by the statute. We are not talking  
6 about, Your Honor, him selling it to some independent  
7 third-party zoo, we are talking about selling it to a  
8 LLC, who is one-hundred percent owner, someone who  
9 lives on the compound and has a very close relationship  
10 with Mr. Antle. So, we do believe a bond modification  
11 is appropriate.

12 MR. MOORMAN: Your Honor, what is his plan as to  
13 how to identify the animals?

14 MR. SHOEMAKE: I mean, Your Honor, the plan is,  
15 we know the animals he has right now that are endangered  
16 subject to the Indictment are chimpanzees and cheetahs.  
17 We have based on cooperators, we feel very confident,  
18 we know as recently as two weeks ago the animals were  
19 there based on the cooperators we have, but beyond  
20 that, Your Honor, that is our job. We are saying he  
21 shouldn't be allowed to transfer them. Right now he is  
22 admitting in open Court he has intention of transferring  
23 animals that are actually subject to this case. And  
24 that is, again, Your Honor, that is absurd.

25 MR. MOORMAN: That is not the case. Never

1 admitted that we had intent to transfer animals. What  
2 I said, Your Honor, is that they should -- should it  
3 come about that the animal be in better position  
4 somewhere else, track the transfer to be accomplished  
5 lawfully, it is not appropriate for Your Honor to  
6 prohibit that. But, again, he can't tell you what the  
7 plan is to even identify what animals he is talking  
8 about. I mean, again, that is why this is  
9 unenforceable.

10 Your Honor, he has talked about a Virginia  
11 case, right, he has gone in the facts Your Honor heard  
12 initially, I will say this, he was charged in Virginia  
13 in 2020. The entire time since he has been charged, he  
14 was at the Myrtle Beach Safari. They called him on the  
15 phone. He was right there. We were in Virginia  
16 earlier this week to watch proceedings occurring there.  
17 There is a Motion to Suppress, it is going to be heard  
18 on October 20th, right. In Virginia, you do not get  
19 an evidentiary hearing on a Motion to Suppress unless  
20 the Court grants that motion. Mr. Antle's defense team  
21 in Virginia has gotten the Court to grant an evidentiary  
22 hearing on the 20th of October for that Motion to  
23 Suppress. And by the way, that Motion to Suppress  
24 relates directly to the cellphone is the subject or was  
25 used to search Mr. Antle's cellphone that forms the

1 basis, the bedrock of the evidence the Government has  
2 on all of the animal charges. And by the way, the  
3 animal charges that are so serious by what the  
4 Government says, by my recollection, have him on  
5 misdemeanors, are misdemeanors. Right.

6 So, and I think Mr. -- I will just say,  
7 Mr. Shoemake would agree with this because he has  
8 indicated the Government has tried very hard to wall  
9 this off, the affiant on the search warrant from  
10 Virginia used to search his cellphone is currently under  
11 indictment for embezzlement in Virginia. Right. So,  
12 again, and we are still waiting on some of the  
13 discovery to review this, but if you look at the  
14 bedrock of the Government's animal case, the most  
15 important part, it comes from the execution of the  
16 search warrant of the cellphone in question. Again,  
17 which was accomplished by the use of an affidavit sworn  
18 to by an officer who is under indictment for  
19 embezzlement, and my understanding those allegations is  
20 that that agent or that officer, the conduct involved  
21 stealing from his own agency.

22 MR. SHOEMAKE: Your Honor, if I could, I know  
23 this is not particularly relevant, I just don't like to  
24 go unanswered, I fundamentally disagree with that  
25 characteristic in its entirety. I can go in detail.

1       Our case.

2               THE COURT:    I am not going to do.

3               MR. SHOEMAKE:  I know.    I didn't want  -- I hear  
4       you,  Judge.

5               THE COURT:    I am going to take a little break and  
6       I am going to review a couple other things.    So,  take  
7       about 15 minutes,  so I will take a little recess, and  
8       we will reconvene.

9       (Whereupon,  a short recess was held.)

10              THE COURT:    You know,  what hit me with this  
11       initially is this really is not proper bond  
12       consideration information.    You know,  as to,  in  
13       essence,  a restraining order,  I mean there are  
14       provisions in a bond that effectively amount to a  
15       restraining order,  but you are trying to ask me to enter  
16       a Temporary Restraining Order,  in essence,  regarding  
17       the evidence in this case, and I think that is something  
18       that is properly brought before the District Judge, who  
19       is handling the case,  if it is an issue of,  you know,  
20       of protectionism of the person on the forfeiture  
21       provision of the Indictment.

22              But as I was talking earlier,  Mr. Moorman,  I  
23       mean,  I do think that transfer of the assets, and I  
24       will tell you about,  as far as whether or not to detain  
25       him or not,  one of the big factors was the fact that he

1        did have a significant amount of assets and an ongoing  
2        business that have been in place for a long time and a  
3        lot of family in that area. And, you know, and the  
4        issue of flight I thought that was just overwhelmingly  
5        against that in his favor for his person.

6                Mr. Beasley, I couldn't find my notes as to  
7        values of everything. You are saying that this  
8        represents 20 percent of his assets, I note as far as  
9        the ongoing business -- go ahead.

10              MR. MOORMAN: Your Honor, first off, if Your  
11        Honor wants, we can get you a sort of give you a  
12        breakdown specifically as to how much -- what he has got  
13        left, it has diminished a lot in the Myrtle Beach area.  
14        But also, in talking with Mr. Antle, he is going to  
15        retain ownership of the land on which --

16              THE COURT: Well, I thought he wasn't. I thought  
17        that was one of the questions.

18              MR. MOORMAN: So, my understanding is it is a  
19        lease situation between, let me double-check, I want to  
20        make sure that is right.

21        (Whereupon, there was a pause in the record.)

22              MR. MOORMAN: So, he is talking about, he is  
23        sole member of an LLC that owns the real estate on which  
24        the Myrtle Beach Safari sits. That LLC will retain  
25        ownership, my understanding is, will retain ownership

1       when Myrtle Beach Safari is transferred to Sugriva.  
2       And the Myrtle Beach Safari will then be paying the LLC  
3       rent for the purposes offering.    So, there is still a  
4       -- there is still a tie to the Safari from the  
5       standpoint he will be the sole member of an LLC that  
6       owns that.

7               THE COURT:    You know, I am reluctant to ask why  
8       this is happening.    You know, I am interested, but I  
9       don't know -- go ahead.

10              MR. MOORMAN:  As an officer of the Court, okay,  
11       I am not going to share, I am not going to share any  
12       indications, but this is my take on what is happening,  
13       okay.   Mr. Antle, 62 years old, heart condition,  
14       AFib, very serious, other health problems we have  
15       discussed, right.   He is arrested, and this is his  
16       life in June, he is arrested, he is taken to J. Reuben  
17       Long.   He is in a cell that is so hot that on occasion  
18       they open the door, fire alarm goes off, he has got to  
19       sleep on the concrete to try to keep cool.   That is  
20       sort of the environment he is in, never been in there  
21       before, right.   He is in there for 20-plus days, he  
22       loses close to 40 pounds while he is in there.   As you  
23       might expect, when you have a jar like this at that  
24       age, things become a little bit -- you begin to think  
25       more about what is left, right.   And part of what you

1 think about is, you know what, I am tired, right. I  
2 have been running this business for 30 years, 16 hours  
3 a day, right. I am beaten up because I am taking care  
4 of animals, and sometimes you get hurt, right. So,  
5 maybe at 62, maybe I need to slow down. Maybe I need  
6 to enjoy it as opposed to being the one who was  
7 responsible for the day-in, day-out 150 animals,  
8 thousand pounds of meat bringing it all in, Your Honor,  
9 I think that experience brought tremendous clarity to  
10 him.

11 And, quite frankly, to -- there is just no  
12 evidence to infer anything else. I mean, I think that  
13 had a profound -- I mean if you saw him before he went  
14 in and after, when he came out, tremendous difference.

15 THE COURT: Well, I take your word for what it  
16 is worth, and I have no reason to doubt that, but just  
17 in the generic sense, you know, if I have a case and  
18 somebody is unloading assets, that is a little bit of a  
19 red flag.

20 MR. MOORMAN: It is.

21 THE COURT: That could be the other explanation  
22 just as easily as what yours is.

23 MR. MOORMAN: I understand. But this is very  
24 unique, right, because this isn't a car that you are  
25 going to sell. This is a tenuous undertaking. I



1 mean, literally, every day something can happen. So,  
2 when you say unloading assets, he has got -- he has got  
3 an obligation, as the owner, as the -- I mean, quite  
4 frankly, the figure who is responsible for the survival  
5 of these animals, right, he also has the responsibility  
6 to make sure he can't just not have a plan and make sure  
7 that they are okay.

8 MR. BEASLEY: And these animals are not going  
9 anywhere. They are staying on the property.

10 THE COURT: My understanding is, any transfer of  
11 any of those animals is subject --

12 MR. BEASLEY: Well, somebody has to be able to  
13 continuously take care of these animals and legally.  
14 And this is, by all accounts, we are doing this by the  
15 book, per USDA policy, and that is why we are doing it  
16 this way. We are not doing anything nefarious,  
17 nothing that nobody is not aware of.

18 THE COURT: I mean, if an animal was  
19 transferred, does somebody not have to be notified?

20 MR. BEASLEY: It is all -- yes. Yes, all of  
21 this is going through the USDA then. All of this.

22 THE COURT: Any argument with that?

23 MR. SHOEMAKE: Yes, Your Honor. Part of the  
24 evidence we have in this case is falsified forms to the  
25 USDA about what happened with these animals. Yes,

1 documentation is required, but Mr. Antle has a history  
2 of falsifying those documents.

3 MR. BEASLEY: Judge, if that was the case, they  
4 would deny his renewal license and shut down the whole  
5 thing already, but they can't, which is why they  
6 notified the Federal Government to come about it in  
7 another way. That is the whole point of this because  
8 they are doing everything by the book and they cannot  
9 shut down their license, they can't stop the transfer.  
10 That is the whole point. They are doing it by the book  
11 and that is the whole thing.

12 THE COURT: You know, I go back to this is an  
13 issue of bond.

14 MR. SHOEMAKE: Correct.

15 THE COURT: And my concerns are danger to the  
16 public and risk of flight. And what, you know,  
17 preservation of evidence, I just think this is the  
18 wrong place to be addressing that. But as to the  
19 transfer of assets, I do think that is relevant to that  
20 inquiry, and I don't know the details of any of that.

21 MR. SHOEMAKE: Your Honor, may I offer a  
22 suggestion? As I mentioned, we have alternative paths.  
23 I have talked to our asset forfeiture people. We plan  
24 by the end of next week to file civil proceedings  
25 restraining these assets and then we will seek an

1       injunction.   And so if Your Honor would like, if your  
2       concern is the transfer, you could limit that order  
3       for, you know, 45, 60 days, that will give us time  
4       to get these other things in motion.

5               THE COURT:   I still -- I don't think -- this  
6       isn't the right place for that.   I mean, if I think  
7       that that goes to the risk of flight, then I think that  
8       that would be or a danger to the public then I think  
9       this is the proper forum to do that, but otherwise I  
10      just don't know that --

11             MR. SHOEMAKE:   Your Honor, obviously, I  
12      respectfully disagree it doesn't go to risk of flight.  
13      But, again, I understand where you are coming from.  
14      Like I say, we do have alternative paths.   I think  
15      this is the cleanest because I think it is a risk of  
16      flight issue.   We are in the process of pursuing other  
17      avenues.

18             THE COURT:   Look, how is it a risk of flight  
19      issue?

20             MR. SHOEMAKE:   I think it goes back to the idea of  
21      divesting yourself of your primary assets and taking  
22      yourself out of the picture.

23             THE COURT:   Well, I am trying to find out  
24      whether or not it is a primary asset, and I can put a  
25      provision in place, and I do intend to put a provision

1       in place that the Court is notified in advance of any  
2       potential transfer of the assets.    You know, I think  
3       that I can do that.    So, if any real estate is  
4       intended to be sold or anything like that, then I would  
5       know about it.    I don't know why I wouldn't require the  
6       Government to be informed of that, as well.

7               MR. MOORMAN: Your Honor, I would just take issue  
8       of the primary asset, as we represented to Your Honor,  
9       the Myrtle Beach Safari is a very small piece of the  
10      assets he has got locally. So it is not the primary  
11      asset.

12             MR. BEASLEY: And we have never hidden any of  
13      this, we have been working with the USDA to do all of  
14      this, which is --

15             THE COURT: Is it, you know, the amount of the  
16      sale, is that something that can be shared?

17             MR. BEASLEY: Your Honor, there is no money  
18      amount. They are just transferring the ownership of the  
19      animals, that is all it is. That is what the USDA  
20      license requires for her to be able to take care of  
21      those animals, and keep them alive, and continue the  
22      business, that is the whole thing. That is the whole  
23      point of it.

24             THE COURT: The idea is to do that and then lease  
25      the park itself?

1           MR. BEASLEY: Correct. And he would still own  
2 all the real estate.

3           THE COURT: Mr. Shoemake?

4           MR. BEASLEY: And, Your Honor, it is obviously  
5 it is illegal to sell the animals anyway, so he  
6 wouldn't do that. It is just transferring ownership.

7           THE COURT: Well, there is already a provision  
8 in the bond not to violate the law.

9           MR. BEASLEY: Correct. It is all per USDA  
10 regulations doing what we are doing -- what they are  
11 doing.

12          THE COURT: I will be glad to hear from you more,  
13 Mr. Shoemake. I just think as far as the relatively  
14 narrow scope of my consideration --

15          MR. SHOEMAKE: Like I say, Your Honor, I think,  
16 the Government has a different view of that, but I  
17 fully understand what the Court is saying, and we do  
18 have --

19          THE COURT: Well, I don't know why you have a  
20 different view of it. I think the, I mean, it is a  
21 risk of flight issue and I agree to disposing of assets  
22 is something that I would consider in that equation. I  
23 mean, you know, if all of the assets were disposed of  
24 maybe detention is proper.

25          MR. SHOEMAKE: Well, Your Honor, I do think that

1 protecting the evidence I do think is something that the  
2 Court has considered in the past and can be considered.  
3 And I think, I mean, we have heard back and forth an  
4 issue I mentioned of transferring animals, I think  
5 there was some conversation they weren't seeking to do  
6 that, now it is clear they -- it is exactly what they  
7 are doing is seeking to transfer ownership of animals,  
8 that is illegal and contraband and we think -- we  
9 believe that to be obstructive conduct. I understand  
10 what the Court is saying, but, you know, that is our  
11 position. But, again, we do have, as Your Honor  
12 mentioned, there are other avenues the Government has,  
13 as well, that are more in line with strictly speaking --

14 THE COURT: Yeah, again, I think if something  
15 illegal is transpiring then that could be an issue of  
16 bond if I made a determination that illegal conduct was  
17 going on, that would, but my solution to that is not  
18 necessarily to stop doing what you are doing. My  
19 solution is whether or not -- I mean, I guess that  
20 could be a solution, whether to have a bond in place or  
21 not. Is there a timing aspect of when this transfer is  
22 supposed to take place?

23 MR. MOORMAN: Your Honor, we will check. My  
24 understanding, again, in talking with the lawyers on the  
25 regulatory side of this, the transfer won't take place

1       until the permitting or licensing is accomplished.    So,  
2       part of the timetable will be dictated by what happens  
3       on that front,   which is uncertain.

4               MR. BEASLEY:   It should have already been done,  
5       but they canceled the inspection and they have been  
6       delaying, the USDA,   so there is no time frame.   He can  
7       continue to operate right now until they deny, or  
8       transfer, or whatever,   he is perfectly compliant with  
9       the USDA at this point.   So,   we don't have a time frame  
10      because it is in their   -- it is with them,   it is in  
11      their hands.

12             THE COURT:    Sometimes I do put conditions on bond  
13      that do relate to the safety of the public.    I am  
14      thinking of things in particular and that doesn't appear  
15      to be what the Government's position is here,   it all  
16      relates to the risk of flight.

17             Any objection if I put a condition of bond that  
18      Mr. Antle notify the Court of any transfer of any  
19      assets?   And also let the Government know,   as well?

20             MR. MOORMAN:   Just a couple of things came to  
21      mind.    I mean, conceptually,   that doesn't give me  
22      heartburn,   but permanently I would say assets is a very  
23      broad term.

24             THE COURT:    I am thinking it through as you are  
25      talking.    I don't mean to paperclip.

1           MR. MOORMAN: The other thing, you know, Your  
2 Honor, again, that I always come back to is if the sale  
3 is not -- is lawful, and it is not in violation of the  
4 bond then -- and it is not related to the case, so,  
5 for example, Your Honor put a condition on bond saying  
6 provided the -- providing the probation office with  
7 access to record -- his financial records upon request.

8           THE COURT: I did that.

9           MR. MOORMAN: You did that. That is already in  
10 place, for example, right? So, just thinking through  
11 just sort of, and I don't want to assume, Your Honor,  
12 in thinking through some of the contours of a proposed  
13 condition like this, what would be the motivation for  
14 imposing a condition would be like that would be, what  
15 that --

16          THE COURT: Well, obviously, the sale of assets  
17 and, you know, I am thinking in terms of substantial  
18 assets, but I am reluctant to use that term.

19          MR. BEASLEY: Might refer to real estate.

20          THE COURT: I don't have his financial statement  
21 right here. My recollection is that Park has a  
22 significant value and real estate has a significant  
23 value.

24          MR. MOORMAN: I don't think we have any objection  
25 as it relates to real estate.



1           THE COURT:   Mr. Shoemake, any ideas on that  
2           issue on particular assets that may apply to?

3           MR. SHOEMAKE: I mean, I don't object to that,  
4           Your Honor. I mean, to be frank, Your Honor, I think  
5           the primary concern the Government has is the Safari  
6           Park and those animals. So, I mean, those other assets  
7           are potentially substitute assets down the road, but  
8           obviously if he starts divesting himself of more assets,  
9           I think given the ambit of where the Court is I think  
10          limiting it to real estate is fine. I mean, we  
11          obviously take issue with any transfer of the animals,  
12          which we made clear, but, again, I understand that is  
13          outside the scope of what we are talking about now. I  
14          wouldn't have trouble with real estate in these  
15          conditions.

16          THE COURT: All right. Well, I am just going  
17          to make that any sale or other transfer or divestiture  
18          of any real estate or Myrtle Beach Safari Park --

19          MR. MOORMAN: And I want to make sure --

20          THE COURT: -- or its assets.

21          MR. MOORMAN: Okay. I want to make sure we  
22          eliminate ambiguity, as Your Honor does. Sale,  
23          transfer, you said what was the last part divestiture.

24          THE COURT: Divestiture. I am trying to cover  
25          all ambits, that we cover sale. I take it we

1 understand the intent of that is to cover any transfer  
2 whatsoever of his ownership to anybody else, whether for  
3 profit, for money, for five dollars love and affection,  
4 it doesn't matter.

5 MR. MOORMAN: And condition is a notice  
6 requirement?

7 THE COURT: And to notify the Court ten days  
8 prior to any.

9 MR. MOORMAN: Okay.

10 THE COURT: Okay. Anything further?

11 MR. MOORMAN: Nothing further.

12 MR. SHOEMAKE: No, Your Honor.

13 THE COURT: All right. Thank y'all very much.

14 MR. MOORMAN: Thank you. Appreciate it. Your  
15 Honor.

16 THE COURT: Yes, sir.

17 MR. MOORMAN: Are you going to issue a Written  
18 Order or Text Order?

19 THE COURT: That is a verbal Order in place now  
20 effective now, but I will, I am going to write it out  
21 and make sure I like the verbiage, I will do a Text  
22 Order, though.

23 MR. MOORMAN: Thank you Your Honor.

24 THE COURT: Thank you.

25 (Whereupon, the hearing concluded at 12:28 p.m.)

## CERTIFICATE

I certify that the foregoing is a correct transcript  
from the official electronic sound recording of the  
proceedings in the above-entitle matter.

S/Debra R. Bull

September 22, 2022  
Date

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